

**UNITED STATES COURT OF APPEALS**

**MAY 30 1997**

**TENTH CIRCUIT**

**PATRICK FISHER**  
Clerk

FEDERICO PEREZ,

Plaintiff-Appellant,

v.

BUREAU OF PRISONS, JOE  
BOOKER, D. BURNETT, MRS.  
WATTERSON; JERE SUTTON, Dr.,

Defendants-Appellees.

No. 96-1349  
(D.C. No. 96-S-910)  
(Colorado)

**ORDER AND JUDGMENT\***

Before **SEYMOUR**, Chief Judge, **PORFILIO** and **MURPHY**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The cause is therefore ordered submitted without oral argument.

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\*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Plaintiff Federico Perez appeals from the district court's dismissal of his claim that defendants violated his Eighth Amendment right against cruel and unusual punishment by denying him necessary medical care. We have carefully reviewed the record in light of Mr. Perez' constitutional claim. We agree with the district court that under the relevant standard for an Eighth Amendment violation, Mr. Perez has failed to state a claim.

We **AFFIRM** the judgment of the district court dismissing Mr. Perez' civil rights complaint substantially for the reasons given by the district court in its Order of Dismissal filed June 26, 1996.

ENTERED FOR THE COURT

Stephanie K. Seymour  
Chief Judge